IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3106 OF 2004

Baliram Kanhu Dongare .. Applicant.
Vs.
State of Maharashtra .. Respondent.

Mr.Kiran N.Joshi for the applicant.
Mr.D.R.More APP for the respondent.

CORAM : D.B.BHOSALE, J.

DATED : 10TH AUGUST, 2004

P.C.:

. Heard Mr.Joshi, learned counsel for the applicant and Mr.More, learned A.P.P. for the respondent.

2. This application is filed by the applicant for being released on bail in C.R.No.202/2003 registered at Shahapur police station under sections 302, 201 of the Indian Penal Code. The prosecution case rests on circumstantial evidence and the circumstance relied upon are the motive, conduct of the applicant, last seen together, recovery of sari and blouse of the deceased etc. According to the prosecution, deceased - Kondibai, the wife of the applicant, was missing from 19.10.2003. The applicant did not lodged the

missing report with the police. Her deady body was found in Jungle on 5.11.2003. Niraj Shaikh, whose jeep was hired by the applicant and the deceased, has specifically stated that on 19.10.2003 the applicant and deceased got off in the jungle where a dead body of the deceased was found. She was not seen thereafter by any one. Moreover, the statement of Santosh, son of the applicant, provides motive for committing the crime. The recovery of sari and blouse at the instance of the applicant further supports the prosecution case to complete the chain of circumstances. Mr.Joshi, learned counsel for the applicant submits that when dead body of the deceased was found it was totally decomposed and, therefore, the doctor has not opined whether she died homicidal death. He further submits that the circumstances relied upon by the prosecution are not sufficient to connect the applicant with the crime. It is not possible for me to accept the submission of Mr.Joshi. Keeping in view the circumstances relied upon by the prosecution, prima facie, they are sufficient to connect the applicant with the alleged offence. This is not a fit case to enlarge him on bail. The application is rejected. The trial is expedited.

. While passing this order, I shall not be understood to have expressed any opinion on merits of the case. The trial court will deal with the case uninfluenced by the observations made in this order.

. The application is disposed of.

(D.B.Bhosale, J.)